

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

LORENE LAMB,

Plaintiff,

vs.

Civil Action 2:12-cv-445
Judge Watson
Magistrate Judge King

JEFFREY PAUL BERGER, *et al.*,

Defendants.

ORDER

The parties have filed a joint motion, seeking leave to enlarge the page limits on the briefing of the forthcoming motion to dismiss. Doc. No. 31. The seventeen defendants seek leave to file a single memorandum of law in support of their motion to dismiss of not more than 30 pages, while the three plaintiffs also seek leave to file a single memorandum in opposition of not more than 30 pages. *Id.* at 1-2. The parties represent that these filings will comply in all other respect with the requirements set forth in S.D. Ohio Civ. R. 7.2(a)(3) and Section E(1) of the assigned district judge's Case Management Procedures. *Id.* at 2.

This derivative shareholder action involving multiple plaintiffs and defendants asserts claims for breach of fiduciary duty for engaging in the insider selling scheme and for violating defendant Big Lots, Inc.'s policies, violation of Uniform Trade Secrets Act, O.R.C. § 1331.61, *et seq.* and unjust enrichment. *Amended Complaint*, Doc. No. 30. Defendants represent that they anticipate moving to dismiss these claims under (1) Fed. R. Civ. P. 23.1, which is peculiar to a derivative action, and (2) Fed. R. Civ. P. 12(b)(6). Doc. No. 31, p. 2. In light of the nature of

these claims and the proposed bases for dismissal, the Court concludes that the parties have demonstrated that the complexity of this case warrants an enlargement of the current page limitations.

Accordingly, the parties' joint motion to enlarge the page limits, Doc. No. 31, is **GRANTED**. Defendants may file a single memorandum of law in support of their motion to dismiss of not more than 30 pages and the plaintiffs may file a single memorandum in opposition of not more than 30 pages. The parties are **REMINDED** that their filings must comply in all other respect with the requirements set forth in S.D. Ohio Civ. R. 7.2(a)(3) and Section E(1) of the assigned district judge's Case Management Procedures.

September 6, 2012

s/Norah McCann King
Norah M°Cann King
United States Magistrate Judge